

Bayer Technology Services



March 27, 2009

Mr. Larry Johnson
Assistant Regional Counsel
US EPA - Region 5
77 West Jackson Boulevard, C-14J
Chicago, IL 60604



Re: Bayer Corporation
Financial Assurance Notice Letter
HIMCO Superfund Site, Elkhart, Indiana
Request for Alternative Performance Guarantee

Dear Mr. Johnson:

On behalf of Bayer Corporation ("Bayer") and in compliance with the Consent Decree entered into with US EPA referenced above, Bayer is notifying EPA within ninety days after the close of Bayer's fiscal year end that it no longer satisfies the financial test requirements set forth at 40 C.F.R. §264.143(f)(i). Therefore, pursuant to paragraph 49(b) of the Consent Decree, Bayer is respectfully requesting a change in the form of Performance Guarantee to a letter of credit in the full amount of the Performance Guarantee that was previously satisfied by the financial assurance test. As required by paragraph 49(b)(ii) of the Consent Decree, Bayer will submit the letter of credit and stand-by trust to the US EPA within ten days after receipt of US EPA's written decision approving the alternative Performance Guarantee.

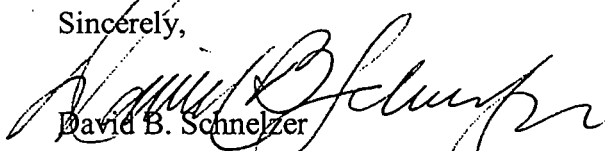
Bayer Business and
Technology Services LLC
100 Bayer Road
Pittsburgh, PA 15205-9741

Phone: 412-777-2000

Finally, be advised that the issuing institution of the letter of credit is the New York Branch Office of Commerz Bank.

Should you have any questions or concerns, please contact me directly at your earliest convenience.

Sincerely,


David B. Schnelzer

Manager, Health, Environment, Safety & Security Governance

cc: Director, Superfund Division
US EPA Region 5

Ms. Jessica Fliss
Senior Environmental Manager
IDEM, Federal Programs

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